

2012-Or-____

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By Reich

**Amending Title 3, Chapter 46 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Hazardous Waste
Generation, Handling, Storage and Disposal.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 46.30 of the above-entitled ordinance be amended to read as follows:

46.30. Definitions. Wherever the word "state", "agency" or "Minnesota Pollution Control Agency" is used in Minnesota Rules, Chapter 7045 and Minnesota Statutes, Sections 115A.916, 325E.10, 325E.11, 325E.112 and 325E.115, it shall be held to mean the City of Minneapolis. Wherever the word "commissioner" is used in the regulations and statutes, it shall be held to mean the ~~assistant city coordinator~~ director of regulatory services or the ~~assistant city coordinator's~~ director's authorized agent. Except as here after defined.

Category II nonfriable asbestos-containing material means any material, excluding Category I nonfriable asbestos-containing material, containing more than one (1) percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Friable asbestos-containing material means previously nonfriable asbestos-containing material which becomes damaged to the extent that when dry all or a portion of the material may be crumbled, pulverized or reduced to powder by hand pressure.

Hazardous waste generating facility means any facility that generates, handles, stores, or disposes of hazardous waste originating at their address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

Hazardous waste process facility means any facility that generates, handles, stores, or disposes of hazardous waste originating at their address or from another address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

Site operator means any person(s), organization, company, group, or any other entity, public or private, that owns or is in control of a hazardous waste facility.

Section 2. That Chapter 46 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 46.105 to read as follows:

46.105. Removal of nonfriable category II asbestos containing materials.

(a) This section applies but is not limited to cementitious asbestos board often referred to by its trade name "Transite®". Other category II asbestos containing materials include but are not limited to, Transite® shingles and siding, asbestos cement, asbestos putties, asbestos sealants, and certain asbestos-containing adhesives on or under exterior surfaces. This section shall apply to any building containing four or fewer residential dwelling units.

(b) Removal of nonfriable category II asbestos-containing material must be done in such a manner that does not cause it to become friable asbestos-containing material. Examples of removal methods that would render the category II asbestos-containing material to become regulated asbestos-containing material are smashing it, dropping it to the ground, intentional burning, subjecting it to crushing by heavy machinery, or specific grinding, sanding, cutting, abrading and breaking by hand tools or mechanical tools.

(c) Cementitious asbestos board is assumed to contain asbestos and must be treated in the manner described herein. A property owner or contractor not following the below prescribed methods shall upon request of the director of regulatory services or the director's authorized agent provide an analysis by a laboratory according to Minnesota Rule Part 4620.3460 collected by a certified asbestos inspector identifying whether the siding is an asbestos containing material. Until such time that a report is provided all related work shall stop and precautions shall be taken to contain the material. The director or the director's authorized agent may require a licensed asbestos contractor to perform necessary cleanup if the requirements herein have not been followed.

- (1) Water to which a surfactant has been added must be used before and during removal of asbestos-containing material to prevent fibers from becoming airborne during asbestos-related work and must be wet before removal, adequately wet during removal, and placed in sealed leak-tight containers following removal.
- (2) Prior to removal, tarps or plastic sheeting shall be put in place to prevent materials from coming in contact with the ground and shall not allow visible materials to leave the property.
- (3) Material shall be removed by hand tools to avoid rendering the asbestos-containing material friable.

(4) Materials shall be lowered, not dropped, to the walkable surfaces, tarps, plastic sheeting or dumpster.

(5) Materials shall be packaged, transported and disposed of as category II nonfriable asbestos-containing materials following all requirements under 40 CFR 61.150(c).

(6) Upon request of the director of regulatory services or the director's agent the property owner shall provide a copy of the landfill waste manifest for the disposal of the category II nonfriable asbestos containing material.

Section 3. That Section 46.110 of the above-entitled ordinance be amended to read as follows:

46.110. Violations of this Code. (a) Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of section 1.30(a), 1.40 and Chapter 2 of this Code.

(b) License revocation. Any owner or operator of land, buildings, or structures who possesses a city license to conduct business, in addition to the fine, may have his or her license revoked for failure to comply with this chapter.

(c) Permit revocation. Any owner or operator of land, buildings, or structures, or any person or contractor who possesses a city permit to perform work at a site, in addition to the fine, may have his or her permit revoked for failure to comply with this chapter.

(d) Each day of failure to maintain the hazardous waste facility in compliance with federal, state, municipal rules or submitted plans shall constitute a separate violation of this Code.